

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

UNITED STATES OF AMERICA

v.

KYLE EDWARD D'AQUILLA

**No. 4:18-cr-153-Y
ECF**

SECOND UNOPPOSED MOTION TO CONTINUE TRIAL

TO THE HONORABLE TERRY R. MEANS, UNITED STATES SENIOR DISTRICT JUDGE:

Defendant, Kyle Edward D'Aquila, by and through his attorney of record, Jaidee A. Serrano, request that the Court grant a second continuance of 45 days to the jury trial currently scheduled for October 29, 2018. The ends of justice served by granting this request for a continuance outweigh the best interest of the public and the defendant in a speedy trial. *See* 18 U.S.C. § 3161. In support, Mr. D'Aquila shows as follows:

1. Mr. D'Aquila requested and was granted his first motion to continue trial for 30 days. (ECF 20 and 21).
2. Trial is currently scheduled for October 29, 2018 (ECF 21).
3. Pretrial motions were due on August 27, 2018 (ECF 19).
4. Pretrial motions were not filed because both Mr. D'Aquila and the Government believe that a continuance will likely eliminate pretrial litigation. The defense has identified and communicated with the Government about pretrial matters and the parties are working in good faith to resolve these issues by further discussion and meetings.

5. Upon granting the first motion to continue trial, the parties have continued working diligently and in good faith for the disposition of Mr. D'Aquila's case. Defense counsel and the Government believe a 45-day continuance may allow for this matter to resolve without necessity of a trial. The parties, along with the investigating agent, are actively working toward a disposition but need more time.
6. Further, the parties are hopeful that the additional 45 days will result in a prompt disposition and avoid unnecessary use of judicial resources.
7. Mr. D'Aquila respectfully requests that the Court grant a continuance of the trial and associated deadlines. Should the Court grant a continuance, Mr. D'Aquila agrees that any period of delay resulting therefrom, made necessary by this request for continuance, shall be excludable under 18 U.S.C. § 3161(h). Additionally, the ends of justice served by the granting of this continuance outweigh the best interests of the public and Mr. D'Aquila in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A).
8. Counsel for the government does not oppose this motion.
9. Counsel for the parties do not have any conflicts within the next 45 days.

ALL PREMISES CONSIDERED, Mr. D'Aquila and the Government request the Court to grant the second unopposed motion to continue the trial setting dates.

Respectfully Submitted,

Jason D. Hawkins
Federal Public Defender
Northern District of Texas

/s/ Jaidee A. Serrano

Jaidee A. Serrano
Assistant Federal Public Defender
819 Taylor St., Suite 9A10
Fort Worth, TX 76102
Telephone: 817.978.2753
Email: jaidee_serrano@fd.org
California Bar. No. 300352

CERTIFICATE OF SERVICE

I, Jaidee A. Serrano, hereby certify that on October 12, 2018, I served a true and correct copy of this document upon Assistant United States Attorney, Chris Wolfe.

/s/Jaidee A. Serrano

Jaidee A. Serrano
Assistant Federal Public Defender

CERTIFICATE OF CONFERENCE

I, Jaidee A. Serrano, hereby certify that on October 11 and October 12, 2018, I conferred with Assistant United States Attorney, Chris Wolfe, regarding this motion to continue and the Government is unopposed.

/s/Jaidee A. Serrano

Jaidee A. Serrano
Assistant Federal Public Defender